

Serial No. 09/918,733  
Response dated 07 January 2008  
Reply to Office Action of 27 September 2007

### REMARKS

As noted previously, the Applicants appreciate the Examiner's thorough examination of the subject application.

Claims 1, 5-13, 26, 28, 29 and 33 remain in the application. Claims 2-4, 14-25, 27, 30-32 and 34-36 have been cancelled. In the Office Action mailed 27 September 2007, claims 1, 5-13, 26, 28, 29, and 33, were rejected as described in further detail below. In the claim listing herein, claims 1, 5-13, 26, 28, 29, and 33 are submitted as previously presented. Applicants respectfully request reconsideration and further examination of the application based on the foregoing listing of claims and the following remarks.

#### ***Claim Rejections – 35 U.S.C. § 103***

Concerning items 4-5 of the Office Action, claims 1, 5-13, 26, 28, 29, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,725,194 to Bartosik et al. ("Bartosik") in view of U.S. Patent No. 6,246,981 to Papineni et al. ("Papineni"). Applicants respectfully traverse this rejection and ask for reconsideration for the following reasons.

One requirement for a rejection under 35 U.S.C. § 103(a) is that the cited reference(s) teach or suggest all of the limitations of the claims at issue. A further requirement for a rejection under 35 U.S.C. § 103(a) is that proper motivation must exist to modify or combine the teachings of the references in the way proposed by the Examiner.

In this situation, without acceding to the propriety of the ostensible motivation the Examiner supplied for the rejection, the combination of Bartosik and Papineni combination fails to teach or suggest all of the limitations as arranged in Applicants' independent claims, as explained below; therefore the requirements of 35 U.S.C. § 103(a) are not met in this situation.

#### ***A. Claimed Subject Matter***

Claim 1 of the subject application, representative of the independent claims, recites the following:

Serial No. 09/918,733

Response dated 07 January 2008

Reply to Office Action of 27 September 2007

1. A speech recognition system comprising:
  - a querying device for posing at least one query to a respondent over a telephone;
  - a speech recognition device which receives an audio response from said respondent over the telephone and conducts a speech recognition analysis of said audio response to automatically produce a corresponding text response;
  - a storage device for recording and storing said audio response as it is received by said speech recognition device;
  - an accuracy determination device for automatically comparing said text response to a text set of expected responses and determining whether said text response corresponds to one of said expected responses, wherein said accuracy determination device is configured and arranged to determine whether said text response corresponds to one of said expected responses within a predetermined accuracy confidence parameter and to flag said audio response so as to produce a flagged audio response for further review by a human operator when said text response does not correspond to one of said expected responses within said predetermined accuracy confidence parameter; and
  - a human interface device for enabling said human operator to hear said flagged audio response and review the corresponding text response for the flagged audio response to determine the actual text response for the flagged audio response, either by selecting from a pre-determined list of text responses or typing the actual text response if no such match exists in the pre-determined list of text responses.

[Emphasis added]

### ***B. Bartosik***

In contrast with the claimed subject matter, Bartosik teaches a speech recognition device including speech recognition means arranged for recognizing text information (RTI) corresponding to received voice information (AI) by evaluating the voice information (AI) and a speech coefficient indicator (SKI, PRI, SMI, WI), and including correction means for correcting the recognized text information (RTI) and for producing corrected text information (CTI), and included text comparing means for comparing the recognized text information (RTI) with the corrected text information (CTI)

Serial No. 09/918,733

Response dated 07 January 2008

Reply to Office Action of 27 September 2007

and for determining at least a correspondence indicator (CI) and the adjusting means are provided for adjusting the stored speech coefficient indicator (SKI, PRI, SMI, WI) by evaluating only one of such text parts (P2) of the corrected text information (CTI) whose correspondence indicator (CI) has a minimum value (MW). *See* Bartosik, *e.g.*, Abstract

### **C. Examiner's Assertion Regarding Bartosik**

For the rejection, the Examiner stated that Bartosik teaches, *inter alia*, "an accuracy determination device . . . and to flag said audio response so as to produce a flagged audio response for further review by a human operator," citing Bartosik at col. 6, lines 7-16 and col. 9, lines 1-62.

Applicants submit that, not only does Bartosik not teach or suggest an accuracy determination device that produces a flagged audio response (audio signal), but the reference also fails to teach or suggest "a human interface device for enabling said human operator to hear said flagged audio response and review the corresponding text response for the flagged audio response to determine the actual text response for the flagged audio response."

As was explained in Applicants' previous paper, Bartosik actually teaches systems and methods that functions similar to a dictation machine. *See, e.g.*, Bartosik, col. 3, lines 8-11 ("FIG. 1 shows a computer 1 by which a speech recognition program according to a speech recognition method is run, which computer 1 forms a dictating machine with a secondary speech recognition device.")

Applicants note that Bartosik relies upon a user reading all recognized text information to determine erroneous recognitions, and because of such actually teaches away from the Applicants' claims.

### **D. Papineni**

The secondary reference, Papineni, further contrasts with Applicants' claims by being directed to a speech recognition and synthesis system including a natural language task-oriented dialog manager. For such, Papineni teaches only a general text-to-speech synthesizer. For example,

Serial No. 09/918,733  
Response dated 07 January 2008  
Reply to Office Action of 27 September 2007

Papineni merely teaches that "hub 10 passes speech data to the speech recognizer 20 which in turns passes the recognized text back to the hub." See Papineni, col. 7, lines 66-67.

Papineni even goes as far as stating its invention focuses on the dialog manager and script and not the described speech recognizer or text-to-speech synthesizer. See Papineni, col. 8, lines 12-18. Papineni clearly does not teach or suggest, e.g., flagging an audio response in the event a predetermined confidence parameter is not met.

Applicants note that attributing a flag, as the claimed systems and methods do, to a portion of speech not matching a response from a set of anticipated responses does not read on or correlate to attributing a sliding scale factor to such portion of speech as taught by Bartosik.

As a result, Papineni fails to cure the noted deficiencies of Bartosik relative to the Applicants' claims.

Because of at least the foregoing reasons, the cited combination of Bartosik and Papineni (regardless of whether the references are considered together or separately) is an improper basis for a rejection of claims 1, 5-13, 26, 28, 29, and 33 under 35 U.S.C. § 103(a); Applicants request that the rejection of these claims be removed accordingly.

### ***Response to Arguments***

In response to the Applicant's assertion regarding Bartosik, the Examiner stated the following: "[t]he Examiner's position is [sic] same as before, that is the examiner believe [sic] (CI) is used by Bartosik to flag an audio response in the way claimed by Applicant." Applicants again assert that Bartosik fails to teach at least two limitations of Applicants' claims and that these limitations are not taught or suggested by Papineni.

Because of at least the foregoing reasons, the cited combination of Bartosik and Papineni (regardless of whether the references are considered together or separately) is an improper basis for a rejection of claims 1, 5-13, 26, 28, 29, and 33 under 35 U.S.C. § 103(a); Applicants request that the rejection of these claims be removed accordingly.

Serial No. 09/918,733  
Response dated 07 January 2008  
Reply to Office Action of 27 September 2007

JAN 07 2008

Applicants thank the Examiner for citing of *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA) regarding the test for obviousness. Applicants note that the holding of *In re Keller* is consistent with Applicants' previous assertion that proper motivation is not given when one or more of the references teach away from the structure/modification suggested by the Examiner, as is the present case concerning the Bartosik reference relative to the claims of the subject application.

### Conclusion

In view of the remarks submitted herein, Applicants respectfully submit that all of the claims now pending in the subject application are in condition for allowance, and therefore request a Notice of Allowance for the application.

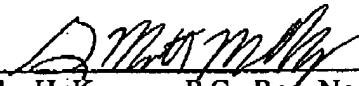
Authorization is hereby given to charge any required fees, including those for the Request for Continued Examiner (RCE) under 37 CFR § 1.114 submitted herewith and a Petition for Extension of Time under 37 CFR § 1.136, and to credit any overpayments to deposit account No. 50-1133.

If the Examiner believes there are any outstanding issues to be resolved with respect to the above-identified application, the Examiner is invited to telephone the undersigned at his earliest convenience so that such issues may be resolved.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

Date: 07 January 2008

  
Toby H. Kusmer, P.C., Reg. No. 26,418  
G. Matthew McCloskey, Reg. No. 47,025  
28 State Street  
Boston, MA 02109  
V: (617) 535-4082  
F: (617) 535-3800